

ORIGINAL

**FILED**  
DISTRICT COURT OF GUAM

APR 14 2006

MARY L.M. MORAN  
CLERK OF COURT

IN THE UNITED STATES DISTRICT COURT  
FOR THE TERRITORY OF GUAM

UNITED STATES OF AMERICA,  
Plaintiff,

vs.

CHRISTOPHER M. ESPINOSA and,  
BRIAN WILLIAM ELM,  
Defendants


CRIMINAL CASE NO. 05-00053

**ORDER**

On April 11, 2006, this case came before the Honorable Roger T. Benitez for a status hearing. At said hearing, counsel for defendant Brian Elm, advised the Court that he intended to file a motion to disqualify the Office of the Federal Public Defender from representing Eric Aponik, a co-defendant who has entered a guilty plea and is expected to testify on behalf of the Government. Judge Benitez advised the parties that the below-signed Magistrate Judge would hear and rule on said motion, and he set the yet unfiled motion for hearing on May 12, 2006.

On April 14, 2006, the trial herein was rescheduled to commence on May 8, 2006. Accordingly, the Court hereby directs counsel for defendant Brian Elm to file his motion to disqualify no later than April 20, 2006. Responses to said motion shall be filed no later than April 24, 2006. A hearing on said motion, if filed, shall be held on April 27, 2006 at 10:00 a.m.

SO ORDERED this 14<sup>th</sup> day of April 2006.

  
JOAQUIN V.E. MANIBUSAN, JR.  
United States Magistrate Judge